

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

MICHAEL LEE HALL and
MARJORIE CAROL HALL,

Plaintiffs,

v.

BANK OF AMERICA CORPORATION and
BANK OF AMERICA, N.A.,

Defendants.

Civil Action No. 3:18-cv-108

DEFENDANTS' MOTION TO DISMISS

Pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure ("Fed. R. Civ. P."), Defendants Bank of America Corporation and Bank of America, N.A. ("Bank of America" or "Defendants"), by counsel, hereby move this Court to enter an Order dismissing Plaintiffs' Complaint in its entirety, with prejudice, for failure to state a claim upon which relief can be granted. As demonstrated in the Memorandum in Support of Defendants' Motion to Dismiss, which Defendants are filing contemporaneously with this Motion and incorporate herein by reference pursuant to Fed. R. Civ. P. 10(c), nine of the sixteen claims in Plaintiffs' Complaint are either identical to or arise out of the very same factual circumstances as this Court previously addressed and dismissed in *Michael Lee Hall v. Bank of America Corporation*, C.A. 3:16-cv-715 ("*Hall I*"), and, therefore, are barred by the doctrine of *res judicata*, and otherwise fail for a variety of additional reasons. The remaining seven claims not barred by *res judicata* are likewise subject to dismissal because Plaintiffs have failed to state viable claims for relief. Therefore, the Court should dismiss Plaintiffs' Complaint with prejudice pursuant to Fed. R. Civ. P. 12(b)(6).

Based on the foregoing, Defendants Bank of America Corporation and Bank of America, N.A., by counsel, request the Court to enter an Order dismissing, with prejudice, Plaintiffs' Complaint in its entirety for failure to state a claim upon which relief can be granted; awarding them their reasonable attorneys' fees and costs; and awarding such other relief as this Court deems just and proper.

This the 16th day of March 2018.

Respectfully submitted,

/s/ Meredith A. Pinson

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BANK OF AMERICA, N.A.,)	
)	
Defendants.)	
_____)	

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of Court using the CM/ECF system and that a copy has been served this day by first-class mail, postage prepaid, upon Plaintiffs at the address listed below:

Michael Lee Hall
Marjorie Carol Hall
7033 Sedgebrook Drive West
Stanley, North Carolina 28154

This the 16th day of March 2018.

/s/ Meredith A. Pinson
Attorney